

## COUNCIL CHAMBER

Regular Meeting

August 19, 2014

The sixtieth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at the Gibbes Museum of Art located at 135 Meeting Street.

A notice of this meeting and an agenda were mailed to the news media August 13, 2014 and appeared in The Post and Courier August 17, 2014 and are made available on the City's website.

### PRESENT ( 13 )

The Honorable Joseph P. Riley, Jr., Mayor

|                        |            |                         |             |
|------------------------|------------|-------------------------|-------------|
| Councilmember White    | District 1 | Councilmember Waring    | District 7  |
| Councilmember Williams | District 2 | Councilmember Seekings  | District 8  |
| Councilmember Lewis    | District 3 | Councilmember Alexander | District 9  |
| Councilmember Mitchell | District 4 | Councilmember Riegel    | District 10 |
| Councilmember Wagner   | District 5 | Councilmember Moody     | District 11 |
| Councilmember Gregorie | District 6 | Councilmember Wilson    | District 12 |

Mayor Riley called the meeting to order at 5:11 p.m.

The Clerk called the roll.

Mayor Riley said, "I would like to let everyone know that a week ago today, Councilmember Moody had one of his hips replaced. What a dutiful public servant he is, a week out of the operating room, and here he is brandishing his cane and serving the citizens. Let's give him a round of applause."

Applause filled the room.

Mayor Riley said, "I am now pleased to call on Councilmember Rodney Williams to begin our meeting with an invocation and then lead us in the Pledge of Allegiance to the flag."

Councilmember Williams said, "Before I do that, I've been doing a little summer reading, and I'm reading something called *Turning to One Another: Simple Conversations to Restore Hope to the Future*. I'd like to read just a little piece.

Councilmember Williams read an excerpt from the book.

Councilmember Williams then opened the meeting with an invocation.

Councilmember Williams then led City Council in the Pledge of Allegiance.

Mayor Riley said, "Well, we have a very happy and special occasion to observe as we begin our meeting. Let me just say how thrilled we are to be here at the Gibbes Museum of Art,

one of the great and historic art institutions in our country, and certainly in the south, and under the leadership of Angela Mack. Angela, if you would stand. The Gibbes is at a new height of prominence and is getting a beautiful renovation and addition to this building that will add to the great treasures that it presents to the City of Charleston. Angela, congratulations to you. Board members are here. They're in the midst of a fundraising effort. Let's give them a big round of applause."

Applause filled the room.

Mayor Riley said, "It's such a pleasure to recognize the birthday of a very special citizen of our City and former member of City Council. Henry, would like to come up here or would you prefer to just stay right there?"

Henry Berlin said, "I'm still young enough to come up there."

Mayor Riley said, "Come on up here."

Laughter filled the room.

Mayor Riley said, "While Henry's coming up here, I have this yellow pad with notes."

Mr. Berlin said, "That's what I'm worried about."

Mayor Riley said, "When Henry served on City Council--"

Mr. Berlin said, "With everything on that yellow pad, that's a hell of a long speech."

Laughter filled the room.

Mayor Riley said, "Let me read the proclamation first."

Mayor Riley read the proclamation.

---INSERT PROCLAMATION---

Mayor Riley said, "On behalf of City Council, it's deemed an honor and pleasure to extend sincere congratulations on his 90<sup>th</sup> birthday and further extend our very best wishes for many more happy, productive and healthy years to come. Henry, congratulations."

Applause filled the room.

Mr. Berlin said, "I wonder who this is written for."

Laughter filled the room.

Mr. Berlin said, "All I can say is that I enjoyed my time on City Council. Most of my time on City Council was arguing with Joe, and I'll tell you something, I won most of the time."

Laughter filled the room.

Mr. Berlin continued, "Also, I will tell you one quick story about him. You notice he's always late when it's time to start the meeting."

Mayor Riley said, "Nothing's changed."

Mr. Berlin continued, "I was Mayor Pro Tem and the meeting had began at 6 o'clock. I said to Ms. Wrixon, 'okay let's start the meeting'. She said, 'the Mayor is not here'. I said, 'I know, but when the Mayor is not here, I'm Mayor Pro Tem. That makes me Mayor, so let's start the meeting'. We got there and we were about halfway through, and you should have seen the expression on Joe's face when he walked through the back door. I said 'you want to take over'. He said 'no, no'. He was never late again."

Laughter filled the room.

Mayor Riley said, "It was just the stark terror on the part of Henry Berlin while he was on City Council."

Laughter and applause filled the room.

Councilmember Riegel said, "Mr. Mayor, if I can comment. As you know, Mr. Berlin and his son Steve, and I are all members of Downtown Exchange Club. It was all that Steve and I could do to hold Mr. Berlin back. If you were running a few minutes late, he was insistent on starting the meeting, and we had to hold him back."

Mayor Riley said, "Congratulations again, Henry."

Next on the agenda were the public hearings.

---INSERT PUBLIC HEARING NOTICE---

---INSERT PLANNING COMMISSION REPORT---

Mayor Riley continued, "Now, we have public hearings, and the first is the Resolution in support of the issuance by the South Carolina Jobs and Economic Development Authority, JEDA, and the Economic Development Revenue Bonds for the South Carolina Aquarium Project in an amount not exceeding \$2,700,000. Would anyone like to be heard?"

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "I know we have the Resolution as Item E-1, but if I am in order, if we could take E-1, E-3, E-4, E-5, E-6, and E-7 together, and you can go ahead and announce just the addresses if anyone has to say on any of that. I'll leave out E-2, and we can come back for that later. E-1, E-3, E-4, E-5, E-6, and E-7."

Mayor Riley said, "I know that there will be comments on E-3. So, we could do E-1, E-4, E-5, and E-6."

Councilmember Mitchell said, "E-1, E-4, E-5, E-6, and E-7."

Mayor Riley said, "Yes, sir. Thank you."

Councilmember Mitchell said, "E-7 is a second reading."

The Clerk said, "E-7 needs to be held, and I will say that E-2 has been deferred at the request of the applicant. So, that would be items E-1, E-3, E-4, E-5, and E-6."

Councilmember Mitchell said, "Correct."

The Clerk said, "Mayor, I guess we would need to publish the addresses of those."

Mayor Riley said, "So, E-3 is 61 Church Street, the School Overlay Zone, and I think there probably will be comment on that."

The Clerk said, "Yes."

Mayor Riley said, "So, then E-4 is 915 Melrose Drive which was annexed into the City. E-5 is 1989 Butternut Street that was annexed into the City, both zoned Single-Family. Then, E-6 is 2906 Murraywood Road. So, does anyone want to be heard on E-1?"

Henry Berlin stated as he was leaving, "I want to thank you very much, and I will tell you all it was a pleasure serving on Council. I think anybody that gets a chance, should get on it because we need some help."

There was laughter in the meeting.

Mayor Riley said, "Thank you, Henry."

Councilmember Riegel said, "Berlin for Mayor."

There was more laughter in the meeting.

Mayor Riley said, "So, we have the JEDA Resolutions for the Aquarium. Then, we have Melrose, Butternut and Murraywood. Would anyone like to be heard on any of those?"

No one in the audience asked to speak.

Mayor Riley said, "Hearing none, then is there a motion, Councilmember Mitchell?"

On a motion of Councilmember Mitchell, seconded by Councilmember Seekings, City Council voted unanimously to give first reading to the following Resolution and ordinances:

*Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (SC Aquarium Project) Series 2014, pursuant to the provisions of Title 4, Chapter 43, of the Code of Laws of South Carolina 1976, As Amended, in the principal amount of not exceeding \$2,700,000.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 915 Melrose Drive (Melrose - West Ashley) (0.28 acre) (TMS #309-14-00-091) (Council District 7), annexed into the City of Charleston July 15, 2014 (#2014-097), be zoned Single-Family Residential (SR-1) classification.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1989 Butternut Street (West Ashley) (0.21 acre) (TMS #355-15-00-030) (Council District 2), annexed into the City of Charleston July 15, 2014 (#2014-098), be zoned Single-Family Residential (SR-1) classification.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2906 Murraywood Road (Johns Island) (2.83 acres) (portions of TMS #312-00-00-026 and 183) (Council District 5), annexed into the City of Charleston July 15, 2014 (#2014-099 and #2014-100), be zoned Single-Family Residential (SR-1) classification.*

Mayor Riley said, "E-2 is 1285 Orange Grove Road."

The Clerk said, "That one is deferred at the request of the applicant."

Mayor Riley said, "That is deferred. E-3 is 61 Church Street. Tim Keane is the Director of our Department of Planning, Preservation, and Sustainability."

Mr. Keane said, "Mayor and members of Council, this is the proposal to apply the School Overlay Zone to the First Baptist Property downtown, which is between Meeting and Church Streets, of course. The way that our zoning works when it comes to a school is, you have to do two things. The first thing you have to have from a zoning perspective, is the School Overlay Zone, which is what is before you tonight. Then, the second step in the process is to go to our Board of Zoning Appeals for a permit, a special permit called a special exception. At that point, the applicant has to present specific plans for the school, whatever it is, the building plans, the site plan, how the actual school will function, how it will work, all the details. That happens with a special exception when it goes to the Board of Zoning Appeals. The Board of Zoning Appeals has a list of criteria that they use to evaluate each school request, but we are at the first step, which is the School Overlay. That might sound strange for a school that has been here for so long, but you probably remember fairly recently we had to go through the same process with places like Charleston Day School and Mason Prep. What happened was these schools predate the Zoning, so when they want to make changes on these old campuses, anything, they have to apply for a School Overlay in order to be authorized to go get that special permit from the Board of Zoning Appeals. So, this first step is to apply the Zoning, which is a question of land use, and from our standpoint, and our recommendation, clearly, is that we should approve the School Overlay for First Baptist Church. It has been at this location for quite some time. The school has had as many as 700 students at it. It is well below that at this point. They do not ever see it getting back to 700 students, but for us, this is about as much as preservation as anything we do in our neighborhoods, and in particular, in the Charlestowne Neighborhood, to have First Baptist School continue to operate in this neighborhood. It is very much about the fabric of the neighborhood. Charlestowne, as you know, has had all kinds of different uses in it historically. Many of them are gone now, but the First Baptist School continues to operate on its historic campus, and we very much think it is important that we take this first step and authorize the continued operation of this school, so that they can improve the school and bring new things to the campus that they cannot right now because of the fact that they do not have a School Overlay. So, we are recommending it. Of course we took it to the Planning Commission first. The Planning Commission held a public hearing, and after that, recommended approval to you for the School Overlay."

Councilmember Mitchell said, "I move for approval."

Councilmember Lewis said, "Second."

Mayor Riley said, "The motion is made and seconded. Is there any discussion? Yes, sir."

1. Alan Anderson said, "Mr. Mayor, my name is Alan Anderson, and I am a resident next to the Baptist Church School, and I do not mean to speak on behalf of all of the residents, but I can tell you that there is a general concern; I would not call it a grave concern, that the relationship between the school and the neighborhood was strained to say the least. Our neighborhood association, Charlestowne Neighborhood Association, has been working with that school to try and get a Memorandum of Understanding. There evidently has been some success in working on that, but nothing has been decided. Nothing has been agreed to, and the neighborhood, and I think Randy Pelzer who has been working on that agreement on behalf of the neighborhood association can speak to that specifically. The members of the neighborhood, specifically the people who live on Water Street, Meeting Street, and Church Street, are twice a day very much inconvenienced by the traffic of the drop-off and pick-up of students. I would like to see any kind of change delayed until there is a completed agreement between the neighborhood association and the church school."

Mayor Riley said, "Thank you, sir. Would anyone else like to be heard? Yes, sir."

2. Jerry Smith said, "My name is Jerry Smith, and I live at 69 King Street currently, but for six years I lived right across the street from the school on Water Street which is down the street for the school. I went to the Planning Board meeting where this was considered. Just by way of background, I have served on the Planning Board and City Council in the past, so I am very familiar with the process, and a lot of information has been provided by both parties. A lot of the information that was provided by the neighborhood association pointed to some of the issues that occurred over the years, not just in recent years. This is a long, ongoing issue, and everybody is talking about the fact that we are very close to having this MOU signed, which has some very specific restraints that the school has agreed to, at least by signing this agreement. I would suggest to the Council that the time to get that agreement signed is now. It's not after you approve this overlay. I appreciate that there needs to be a School Overlay. That makes perfect sense, but the last impending event, if this gets approved by you, then it is quite possible that every BZA meeting is going to be done with the same issue going forward. If you sign the MOU, you can avoid a lot of that in the future, and we are very close to it, it is my understanding. So, I would encourage you to defer your decision on this for the time, and make a decision on this after the signing of the MOU."

Mayor Riley said, "Yes, sir."

3. Randy Pelzer said, "I am Randy Pelzer. I live on South Battery, and I have been a member of the committee that has been working with First Baptist for it seems like a couple of years now and discussions on how we could come up with an arrangement that will mitigate the impact of the school operation on this neighborhood. Just for your information, we did a traffic study, or the neighborhood association did, which shows that the people living on Church Street really do not have access to their houses by 20 or 30 minutes during the drop-off and pick-up time each day. That is a long time not to have access to your house. The traffic backs up from the church almost to Broad Street, so we have been working with them to come up with some measures to mitigate the impact, and we are close to an agreement. We hope to have something to submit to the board of the neighborhood association at its meeting on September 10<sup>th</sup>. I think that at the last meeting, the planning session, the neighborhood association did ask

that it be deferred, along with the Preservation Society and Historic Charleston Foundation, I believe. I was not there. I was abroad at that time. Anyway, I think it is still appropriate to defer it until the next meeting of City Council because I think that the original permit that they received back in the 50s, which was litigated, limited the school to 270 students. Really, in my opinion, that is the limit that they should have been operating under all of these years, and that would have resulted in much less of an impact on the neighborhood that now suffers. Of course, back then, that was in the 50s, we did not have horse carriages; and did not have buses. We had two carriages in town, and that was it, and it is totally different now with all the traffic that we have in the neighborhood, commercial tourism, as well as all of the tourists. Our neighborhood association is not taking a vote on this, but we did ask for a deferral at the last meeting. So, let me just say as a resident and a person informed of the process, I think it would be appropriate for City Council to defer this matter until its next meeting. By that time, I would expect an agreement to be reached between the school and the neighborhood association. Thank you very much for your attention."

Mayor Riley said, "Thank you. Would anyone else like to be heard? Yes, sir."

4. Marshall Blalock said, "Good afternoon. Marshall Blalock, and I serve as Pastor at First Baptist Church. First of all, I want to say thank you to the City staff and the Planning Commission for their favorable opinion on this. I also want to thank our neighbors for being here. As Randy mentioned, it has been two years we have been working together with our neighborhood association to develop this Memorandum of Understanding, and we've already committed to ten commitments as we told the Planning Commission. We will sign this afternoon. We have already made these commitments. We are committed to it, but in the meantime, this is our last meeting of the Planning Commission. Steve Gates, who is president of the neighborhood association, and I had multiple e-mails back and forth, and our attorneys have been back and forth with this MOU, and we have a handshake agreement on the MOU today. Delay, however, puts us further back on accomplishing the very goals that both the neighborhood and church want to do. So, we would encourage you not to delay this at this particular time, and our representative is here, John Hagerty. He has other ideas that may help you."

Mayor Riley said, "Yes, sir."

5. John Hagerty said, "Mr. Mayor, City Council, John Hagerty on behalf of the church. So, this is a school that has been here for 65 years, and what part of those conditions are is removing the high school off of the Peninsula, which was a big deal to us. The high school has been there 65 years, so we are taking all of those drivers off of the Peninsula. So, the net effect will be fewer students on that campus and no kids driving cars. Yes, there may be 20 minutes in the morning or afternoon associated with this school. I would suggest to this Council that is a small price to pay for little feet on the street, going to school, the sound of kids learning, the kind of thing that makes Charleston a living, breathing City. The issue we have with delay is the delay helps that group of people who want to see the entire school off of the Peninsula. So, we ask you to go ahead and give us permission today, and I would like to remind you, and I speak for Mr. Keane, that this is not the time for those kinds of discussions about conditions, although as Pastor Blalock said, we will live by them. This is the time to say 'should it be an Overlay Zone,' and I urge you to go ahead and vote."

Mayor Riley asked, "Would anyone else like to be heard?"

No one else came forward to be heard.

Mayor Riley continued, "Okay. The public hearing is concluded, and this matter is now before City Council."

Mayor Riley recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. If I could ask Reverend Blalock and John, and John and I have had many discussions, two things. One is what plans does Mr. Pelzer want that are going to mitigate this situation, and number two, I am having a hard time. My District is West Ashley District 10, and I am proud to have a great elementary school, Springfield Elementary, a number of different schools, and I am having a hard time seeing how that is any different than Highway 61 twice a day where, very frankly, traffic is tied up for 10 or 15 minutes, kids coming and kids going, same thing with Springfield. It seems to be the nature of the beast having a school near in your neighborhood. So, I am not sure how onerous this time delay is for the downtown residents versus anywhere else in this City, if someone could explain it to me. Thank you, sir."

Pastor Blalock said, "The traffic survey actually told us that the efficiency at which we are operating is about the same as every other school in the City. As you say, there is a certain period of time, usually in the afternoon when traffic is heightened. We have in the memorandum we're working on, and actually, I think it is finished. It is just a matter of getting the appropriate bodies to certify it, but it includes a number of things, including a new way of dropping preschool kids off, and getting them back in the building, so it is quicker in the afternoons. It includes limiting the number of students to a lower number than we presently have now. It includes moving the high school off of the Peninsula. It includes regular meetings with neighbors to update our concerns. It includes e-mail communications. We sent e-mails to all of our neighbors who gave us e-mail addresses this week about when school starts and when it gets out. So, we are trying to do all of these things that honestly should have been done, and we are pleased to do it. So, that is the substance of the agreement."

Mayor Riley recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Members of Council, as you know, this is right dab in the middle of my district. For many years, I lived right across the street from First Baptist Gym, which as you know has been sold and razed, an amazing urban improvement, thank you very much. Let me suggest this. First, thank you Mr. Smith, Mr. Anderson, and Mr. Pelzer for coming to speak. I have been involved in this for two years, too. I have spoken at length with Mr. Gates, the president of the homeowners' association and individual members. I think the following accomplishes the goals of both. They have been hard at work on the MOU. As recently as last night at 10:00 we had correspondence about it, and I have no doubt that that MOU is going to be reached, but we as a Council want to make that happen. If we send this to the Planning Commission, approve it for first reading with a notation that we will not hear this for second or third reading until it has gone to the Planning Commission and come back, that will be the second meeting in September. By that point when you get to the BZA, you better have the MOU together, or you are not going to get anything out of the BZA. So, effectively, while we cannot put a condition on a zoning matter, if we put it off one more meeting, we give this first reading, we tell everyone go to the BZA, get this MOU signed, and when you come back to us, it will all be completed. I suggest this, rather than wait, wait, wait, wait because it will just sort of linger out there in never-never land. I want to make sure the neighborhood is protected, that this MOU that they have negotiated for two years gets signed, that the school can move forward with its plans, not insignificantly moving an entire



high school off of the Peninsula. I have some mixed emotions, but I think for the neighborhood, it is the right thing, but losing students in a city is always something we should be concerned about. In this instance, it is the right thing to do. The neighborhood has spoken loudly about that. I support them on that, so I would suggest not deferring this, giving this first reading as a School Overlay Zone only, having it come back to us after this has gone to the Planning Commission where the MOU will have to be a part of the conversation, because the BZA is where the details will have to be reached, and it will be sent back to us. That will be my motion, Mr. Mayor, that we move this forward, but not hear it again until after the MOU is signed and it has gone to BZA."

The Clerk said, "Actually, we have a motion."

Councilmember Riegel said, "There is a motion that was seconded on the floor."

The Clerk said, "Councilmember Mitchell and Councilmember Riegel."

Councilmember Seekings said, "I would amend it to that condition, that it comes back for the second meeting in September."

Councilmember Mitchell said, "Mr. Mayor, Tim wants to say something."

Mayor Riley said, "Yes, sir, Tim."

Mr. Keane said, "Whatever is appropriate. One thing I wanted to ask about that is I think that motion would allow the MOU process to conclude based on what we have heard. It would not go to the BZA, though, by then, but we would come back and that process with the neighborhood would have concluded if we do it at the second September meeting."

Councilmember Waring said, "Mr. Mayor."

Mayor Riley recognized Councilmember Waring.

Councilmember Waring said, "I have a question for Mr. Keane. If that MOU somehow that they have been working on for two years, is not done in the next 30 to 60 days, then where are we on this issue?"

Mr. Keane said, "Then it would be up for you again for final readings based on that motion at the end of September, September 24<sup>th</sup>. It would still be before you."

Mayor Riley said, "Ms. Cantwell."

Ms. Cantwell said, "Mr. Mayor, I think that the Planning Commission has already considered this matter, so it is before Council for first reading tonight and a public hearing. So, the procedure, and Vanessa knows it better than I do, would for it to be to come back on this same agenda for second and third reading at the next meeting of Council. If Council determines not to act on it at that point in time, it could, but this would not go back to the Planning Commission because it has already been."

Councilmember Seekings said, "Right, but we could put it off to another meeting to vote on and to let this MOU process run its full course."

Ms. Cantwell said, "I think that would be the motion to make at the next meeting."

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember Wagner.

Councilmember Wagner said, "I have more of a question for Tim. If this does not fall in this School Overlay Zone, what really happens? The reason I am asking is, this school has been there for 65 years as a church and a church school, and it is not very unique because the problem is the same problem we have at every public school. First thing in the morning, sometimes in the afternoon, traffic gets really heavy, and it does not matter if it is on the Peninsula or anywhere else. So, what really happens if it does not get the School Overlay? That is my question. They could have vacation Bible school 365 days a year still as a church."

Mr. Keane said, "You are right. They could continue to operate the school in this location. What would happen, though, if they do not get the Overlay, is they cannot make any changes to the campus. So, for instance, they have a relatively modern building on the campus that they would like to take down and build something new for the students. We could not issue them a permit for that. So, while they can continue to operate the school, they have great limitations in terms of what they can do on the campus. Now, I will remind you, they not only have to have the BZA approval, they also have to go to the BAR for any kind of architectural changes or site changes. So, there is a tremendous amount of additional review they get beyond this, but they cannot do any of that without the School Overlay."

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember Lewis.

Councilmember Lewis said, "What was the vote?"

Mr. Keane said, "I'm sorry?"

Councilmember Lewis said, "The Planning Commission, what was the vote?"

Mr. Keane said, "Let me check. I have it in the minutes. 8-1."

Councilmember Lewis said, "8-1. Thank you."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you, Mr. Mayor. I guess my question is more so in setting precedent. As has been pointed out, every school has this issue. We have for years, with Orange Grove Charter Elementary School, had traffic issues there. I guess my question is, going forward in the future, when there are new schools that are being built, does the school system or a private school have to go to a neighborhood to get a Memorandum of Understanding prior to opening that school? My concern is what kind of precedent are we setting. It sounds to me that this neighborhood is not experiencing anything different than what we see in the schools in our district, and I can tell you the first day of school was Monday. The calls began. The e-mails began. 'Close the streets. Take the buses off of our streets.' I mean how do they get to school? So, that is my concern with not allowing the Overlay. This is something that is experienced Citywide, and again my concern is going forward. If we establish

this precedent, will the schools have to have a Memorandum of Understanding from the neighborhood prior to being able to run a car?"

Mayor Riley announced the order of speakers as Councilmember Williams followed by Councilmember Seekings and Councilmember Waring.

Councilmember Williams said, "I think we would be putting an unnecessary burden on First Baptist. I think after 65 years, people just learn to coexist. Mitchell School has this problem, the Catholic School on King Street. We are putting an unnecessary burden on this school. I think we would be setting a bad precedent to have a Memorandum of Understanding done in between a zoning that has already been through the process, so I really could not go along with that."

Mayor Riley said, "Thank you."

Mayor Riley announced the order of speakers as Councilmember Seekings, followed by Councilmember Waring.

Councilmember Seekings said, "Just a little bit of focus. I do not think I heard anyone get up here tonight and say they were not in favor of this school being in an Overlay Zone. They simply wanted the MOU in place. Am I correct about that? I want to make sure. I have constituents sitting right in front of me, and I think we can accomplish that. I think we as citizens in this City have to take at least a little bit of faith that for two years there has been hard work done between the school and between the neighbors and the neighborhood association which we all like to put in place. I talked to Mr. Gates, and they are really close to executing this. If we do not hear this again until the end of September, they should have it executed, and we will know it. Then, we can go forth and vote for final reading. Let's let this go forward. Let's get it going, and then when it comes back to us, we will know how you all did. Did you all play well together (referring to the residents present). I know you all have been working really hard on this for two years. We are at the very end, and I think to defer this would just be a mistake. I think we need to keep the process moving and put the onus on both sides to ink this deal, and if you do not, we will hear that grievance from both sides, and we will get to vote on it. That was what my motion was. It puts it off for two weeks, so effectively, you get an added two weeks. We do not defer it because the process is going forward, and it is in line to get to the BZA with all of the conditions you have to go through, and I think that is okay for everybody."

Mr. Pelzer said, "If I could, I would like to respond to some of the questions that have been asked."

Councilmember Seekings said, "I do not know that we can do that."

Mayor Riley said, "The public hearing, unfortunately, has concluded. That is in the rules."

Mayor Riley recognized Councilmember Waring.

Councilmember Waring said, "First, I want to get a point of clarity. What is the motion? Was that amendment accepted?"

Councilmember Lewis said, "The motion is to approve the recommendation of the Planning Commission and approve the Overlay."

Councilmember Gregorie said, "Right. That's the motion."

Councilmember Waring said, "But Council said it is not going to the Planning Commission, and it is what I thought Councilmember Lewis said."

The Clerk said, "Initially the motion was by Councilmember Mitchell to move for approval which was seconded by Councilmember Riegel. Councilmember Seekings moved to amend the motion and ask that it move forward and that it come back the second meeting in September for second reading and ratification. Is that accepted as a friendly amendment, or do you want to vote for that?"

Councilmember Waring asked, "Was that amendment accepted?"

Councilmembers Gregorie and Riegel said, "No."

Councilmember Williams said, "No, it was not accepted."

The Clerk said, "There was no second."

Councilmember Waring said, "If that amendment was not seconded, then the initial motion is on the table."

Councilmember Riegel said, "Yes."

Councilmember Waring said, "I agree with Councilmember Williams in that extra layer; I am a strong proponent of the Overlay District. It has worked time and time again in different parts of the City, not only on the Peninsula certainly and communities west of the Peninsula, so it works, coexistence. They have only been there 65 years, and I say that because my office is on the corner of Highway 61 and Wallace Road. At the end of Wallace Road is Ashley River School of the Arts with almost 700 elementary school kids, and we coexist. The traffic backs up onto Highway 61 until you cannot even turn into the street, but that school works with businesses. It works with the City. It had extra officers out on the first day of school to conduct the traffic and try to help things flow, and we coexist. So, adding an extra layer of requirements for First Baptist, I'd have to go with Councilmember Alexander. How many other schools do we do that for, would we require that for? So, the pitter patter of young people going and getting an education, we are all for that. I am going to vote in favor of the initial motion."

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "I understand what they are saying, but I live on King Street next to a Charleston County School, and I have been living there for 30 years, and that traffic has always been that way. I worked with the school that we have on King Street. That traffic is backed-up for 30 to 35 minutes every day for the past 30 years that I have been living there. The community behind it, which is Benson Street, deals with the school also, so we work in harmony and peace together. You have to work with the kids. We talk about education. You want the kids to get an education. Now, we are talking about something else, an MOU and all of these things. We have to work together. We are in one City. When you have a school that has been there for 65 years, a church, we need to work together. That is what this is all about. No one is going to have it all, and I always keep saying that, even where I live. I cannot get out of

my driveway. But, I still work with the school, and every time they come, they say 'oh, we have a good neighbor; thank you very much.' We must work in harmony and peace together. If you come down King Street at 3:00 p.m., that traffic is backed-up from Huger all the way back down the street every day, and that is for the past 30 years. I can tell you that because I have lived there for 30 years, and we deal with it. So, this is what we have to do. We keep pushing education, and then we will say something else. 'We do not want this, nor do we need this; nor have to have them sign a piece of paper.' I did not sign any papers with Charleston County School, neither did the community, and neither did the neighborhood association. We all work together, and it is still going on, but we know in 35 minutes, it is all clear. So, it is not all day long that you are going to be waiting in line. It is going to be a short period of time, and if you can deal with that short period of time, and everyone can do that, you will not have a problem. That is why I made the motion I did. I made the motion, I agree with the motion, and I am going to stick with the motion that I made."

On a motion of Councilmember Mitchell, seconded by Councilmember Riegel, City Council voted unanimously to give first reading to the following ordinance:

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 61 Church Street (Charlestowne - Peninsula) (1.82 acres) (TMS #458-13-01-018) (Council District 8), be rezoned so as to be included in the School Overlay (S) classification.*

Mayor Riley said, "Ladies and gentlemen, Councilmember Mitchell has three granddaughters here tonight, and I would like to introduce them. If they would stand when I read their names. Tamyra Nelson, she is in the tenth grade at Burke High School, Sanyaa Nelson is in the seventh grade at Burke Middle School, and Teosha Nelson is in sixth grade at Mitchell Elementary. The seventh grader in the blue shirt was a student at Mitchell when I was a lunch buddy. You would go to lunch with your lunch buddy and sit with your lunch buddy and with the students in the cafeteria, and I told Councilmember Mitchell that her smile just lifted my spirits every day. She would come up and give me a big hug and with the warmest greeting, and it is so wonderful to have her here. Yes, she is trying to hold back that smile, with her sisters. Always when I talk to Councilmember Mitchell, I ask about my special friend, his granddaughter. They are all friends of mine, and we are happy to have them, and I can only imagine how proud their granddaddy is. Let us give them a big round of applause."

There was a round of applause at the meeting.

Mayor Riley said, "Thank you all so much. Now, we have approval of the City Council minutes."

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the July 15, 2014 City Council meeting.

Councilmember Seekings was excused from the meeting at 5:54 p.m.

Mayor Riley said, "Next is the Citizens Participation Period, which is an opportunity for citizens to address City Council on any matter they wish. Would anyone like to be heard during Citizens Participation? Yes, sir."

1. Clayton Dennard said, "Council, Mayor, thank you for your time today. In front of you, you will see a packet. It starts with a green page on the inside as an information page

about Uber. Uber has recently come to Charleston, South Carolina. The product that is in Charleston, South Carolina is UberX. UberX is a component of the Uber product that tests city municipalities in states to see if the regulatory bodies would allow it to operate in city streets. In your packet, you will see information of documentation around the United States where it has been tested, where municipalities are enforcing the rules that are currently on the books and they are setting precedent, and registered limousines and taxis are operating within complete compliance for city and state, and above board. The UberX component comes in and allows you to hail a car with a smartphone app, pay for that vehicle via a credit card store where no money is transpired. But, that vehicle is still operating on the city streets, without licenses, without commercial insurance, without chauffeur licenses from the City Police Department, without regulation from the State. The City of Charleston currently has laws on the books that regulate this. The City has entities in place for checks and balances. At this time, I encourage the City Council, the Mayor and the Police Department to consider what is on the books as we can look out for the public safety's best interest. Everyone's interested in the new app. Everyone's interested in a new safe way around, but we circumvent the law, the safety, the City, the taxes. None of these people are paying taxes on the taxi companies or limousine companies. If you have someone, what happens when they get in a wreck, it goes back on their private insurance. If everyone looks at their private Geico, Allstate insurance, etc., because you can't drive a vehicle for hire, then what happens? Well, the lawyer would dare to take action against the City for not acting in the best interest for public safety in saying, 'hey, we have rules. We should enforce them'. Uber has an application everyone could sign up for on their phone. Right now, there's five illegal cars operating in the City, without licenses, picking up people. My question is, do we need to look out for that safety of our people?"

The Clerk said, "May I have your name?"

Mr. Dennard said, "Clayton Dennard."

The Clerk said, "Thank you."

Mr. Dennard continued, "I'm also the voice of the Charleston Limousine Association. We got together with ten companies, in addition to Taxi Association at the airport. The Charleston County Aviation Authority has already been writing tickets, as is North Charleston. The State of South Carolina convenes around September 13<sup>th</sup>, in regards to how the State is going to act on this."

The Clerk called time.

Mr. Dennard said, "Thank you."

Mayor Riley said, "Okay, would anyone else like to be heard during Citizens Participation? There's a hand back there?"

The Clerk said, "It looks like two. Ed, and then Mohammed, okay."

Marc Knapp said, "Point of order, I think you left E-7 off."

Mayor Riley said, "Sir."

Marc Knapp said, "You forgot to do E-7."

The Clerk said, "No, we're coming back to that."

Mayor Riley said, "Okay. Let's go back to the second reading on River Road. I'm very sorry."

The Clerk said, "No, Mayor. we're fine. We have to annex it before we go back."

Mayor Riley said, "Okay. Thank you. Who is next to be heard for Citizens Participation."

The Clerk said, "Well, I think we saw Ed's hand, followed by Mohammed, and then this gentleman. Okay, three minutes is what you gave the first person."

2. Edward Jones said, "I just came tonight on behalf of CCPLC."

The Clerk said, "You have to come up, Ed. You have to come up close. We don't have all of the recording system. You need to come up close. We're not in City Hall."

Mayor Riley said, "We need you to come up."

Mr. Jones said, "Is this good enough right here?"

The Clerk said, "Yes."

Mr. Jones continued, "I just came tonight on behalf of our organization CCPLC to report that we had a successful Summer Basketball League this year. We just ended this past Saturday. We had about 1,500 from the ages of 5 to 19, and about 300 adults out there playing for the summer. We completed another successful year, and all the kids that we had this summer, we made sure that everyone got back in school safe. We lost no kids this summer downtown due to the tournament at the park as usual. So, again we wrapped up our eighth year, and on behalf of the organization, I'd like to say thank you. Councilmember Wilson saw us out there with the free summer camp at Martin Park this year. She's been giving me some advice again. So, again on behalf of the CCPLC, I'd like to say thank you all for allowing us to have our basketball tournament in the City of Charleston. Thank you."

Mayor Riley said, "Thank you."

Councilmember Lewis said, "Mr. Mayor."

Mayor Riley said, "Yes, sir, Councilmember Lewis."

Councilmember Lewis said, "Mr. Jones comes here and he does a lot of things with the young people from the East Side. A lot of times he doesn't get any recognition, but I like to say, especially for District 3, that since they've been having those games, we have less violence in the City. I'd like to thank Chief Mullen, because Chief Mullen has supported them. He's at the park to visit with the kids and interact with the children. The Care Team for the community is out there in the park with the children. There are scouts from different colleges and universities who come and see these kids play basketball, and a couple of them have won scholarships. I want to say thank you to Mr. Jones for what he is doing to help the children and the City of Charleston by keeping violence down. That used to be one of our biggest concerns during the summer: violence when the kids are out of school with nothing to do. So, we want to say thank you, Mr. Jones, for the fine work that you and your group are doing."

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to echo what Councilmember Lewis is saying. Most of the things that happen, you see it's in District 4. Mr. Jones is out there at Martin Park, Mall Park and around the City of Charleston. He always used to say, 'you can't give me anything, but just take care of my little ones.' He's out there every day, and like I told him the other day, I said, 'it's time for you to get to work now, because you have to get some money for the park', but he's out there with the kids. He's very adamant about helping these young people and making sure that they are not getting in trouble, and that they will be able to go back to school when school opens. Most of the time you'll see me driving through. I'm out there in the park sometimes, visiting with the young people out there, and they are proud of that. They look for that every year, and we have 20 years and up in age playing out there also. It's not all just one group of people. It's very diverse out there, and if you come and see that game, you'll be surprised, even the scouts. A couple of years ago, we had a couple of young people receive scholarships for playing right there at the park, full scholarships to colleges. So, it's a lot that's going on there, and we need to keep it going and, if you can, you need to kind of expand a little bit. I don't know how Mr. Jones can get his people to do that, but it would be great if you would expand it a little bit and get it going so we can play and interact even with the other communities, and not just having it in one section of the community. Thank you."

Mayor Riley said, "Thank you. Mohammed."

3. Mohammed Idris said, "Mayor, City Council. Mohammed Idris. According to the Wall Street Journal, Charleston is broke. They did not say that Mayor Riley is broke. They said Charleston is broke. Mayor Riley is leaving not because he wants to, but because he has to. Also, Charleston is not a part of the United States of America. It seceded from the United States in 2011, as it did 1860 when it joined the Confederate states and fired the first shot that started the Civil War. The shot this time was when Standard & Poor's rated America with a AA credit rating instead of a AAA credit rating, which was saying that our country is no longer the leading economic power in the world. Mayor Riley did not say that Charleston would not, Mayor Riley said, 'not Charleston. We have a AAA rating from Standard & Poor's.' By doing that they were actually in the same manner as those who seceded from our country in 1860. This is one of the most hypocritical cities in the world, and is on the verge of being exposed in light of how Mayor Riley and his crew, double-crossed Obama's bid for a second term. This City has no respect for poor people. The Mayor and his staff are very greedy. Also, the African Americans do not have any representation on City Council, maybe one, Councilman James Lewis. The above are facts from a person who speaks clearly, Mohammed Idris. Also, we know that Moses said an eye for eye, and when we see what has taken place on the Gaza Strip, and the Mayor is not saying anything, this shows me that they're not following God's rule. Thank you."

Mayor Riley said, "Thank you very much. Anyone else would like to be heard?"

The Clerk said, "This gentleman right here."

Mayor Riley said, "Yes, sir."

4. Elliott Smith said, "Mayor Riley, City Councilmembers, everyone here. My name is Elliott Smith. I've spoken a couple of times. I represent a group of mixed-use business owners from the BACE League Charleston, which stands for Business, Art, Culture and Entertainment. I don't have anything prepared here. I'm going to do what we've been attempting to do with City Council,



Mayor Riley, and Tim Keane for the past few weeks here, which is sort of have a conversation with you all. I'll be under some time constraints. What I'm referring to is everyone's favorite subject as of late, which is the midnight zoning ordinance and a newly proposed moratorium. What I feel led to talk about is the importance of process. I'm an attorney. I've practiced a lot of appellate work, and that is what we devote ourselves to, which is process oftentimes regardless of outcome. Justice Holmes, a Supreme Court Justice, and I'm paraphrasing here. I was discussing land use regulations, I think, in an early 1920's case, in *Pennsylvania Coal* (court case), and one of my favorite quotes from him, which I'm going to paraphrase, is that land use regulation cannot be solved by general propositions; it is a question of degree. We have recently reached out to Mayor Riley and Tim Keane, looking for a conversation on this issue because we have a lot of business owners who want to be involved in this process. In order to have that conversation as Justice Holmes talked about, it has got to be based on hard evidence. You don't take action first and then ask questions, take action and then talk. You talk prior to action, and that's what we've been looking for. We have reached out for that hard evidence, not because we don't think that it exists, but because you can't have a conversation without it. It's the only thing that breaks a tie between two different opinions to the extent that we have actually now commissioned our own study on some of the issues that have been brought up by the City. As that study is produced and integrated to City Council members so that an informed vote can be made, we certainly welcome the City's involvement to help us compile data metrics, so that a meaningful conversation can take place here prior to taking action. Thank you."

Mayor Riley said, "Thank you very much. Anyone else would like to be heard during Citizens Participation? Yes, sir."

5. Michael Fisher said, "My name is Michael Fisher. Thank you for hearing me this evening. I'm a member of the food and beverage community in Charleston. I moved here about six years ago from Hartford, Connecticut. I love living in Charleston. I love our food and beverage community here. I think the danger that we run into looking by restricting the opening or allowing bars and restaurants to open for the next few years, is that it's going to deter food and beverage professionals from around the country moving to Charleston to try to further add to what we have been building here over the years. Another thing is that it may influence current food and beverage professionals to move elsewhere. I think we generate a large amount of revenue for the City. I think that we have something pretty well worked out, where there is a lot of mutual respect between all of us, and I'd just like to see that continue. Thank you."

Mayor Riley said, "Thank you very much. Anyone else like to be heard? Okay, that concludes the Citizens Participation Period. Oh, I'm very sorry, Councilmember Waring."

Councilmember Waring said, "This is after Citizens Participation. I'd like to bring a motion from the floor, Mr. Mayor."

Mayor Riley said, "Yes, sir. Councilmember Waring."

Councilmember Waring continued, "As you know we voted for approval on the Entertainment Overlay district. We gave first reading approval to it, which did not include any discussion or verbiage when presented to us about a moratorium. I'd like to put a motion on the floor that City Council enter into a discussion on a moratorium prior to its going to our Planning Commission tomorrow."

Mayor Riley said, "That's not on the agenda."

Councilmember Waring said, "That's not on the agenda. That's right, and I'd like to have it added to the agenda."

Mayor Riley said, "Well, that requires a 2/3 vote of City Council to add it to the agenda."

Councilmember Waring said, "Yes, sir. I understand."

Councilmember Alexander seconded the motion.

Mayor Riley said, "Motion to add it to the agenda is available, and I'm going to just say that I think to add something of substance to an agenda, removes the public from any opportunity to be aware of what might be discussed in Council meetings. That flies in the face of the Freedom of Information law. The public would have the chance to come here and speak at the Citizens Participation Period and have their input. Also, on this particular issue, the Planning Director has now gone on to a Peninsula Consortium meeting where he was supposed to be. The Chief of Police, who I would think you would be interested in hearing from, is not here because it's not on the agenda. So, I think to add matter of substance to the agenda would be a very bad precedent to set."

Councilmember Waring said, "With all due respect, Mr. Mayor, we voted on this May 27<sup>th</sup>. We've had public hearings already on this issue. We've had a number of conversations between Councilmembers, the constituents, and certainly to you. We've had the opportunity to speak to Mr. Keane, and certainly to the Chief. Those conversations, many of which have been had. The process of sending a moratorium to the Planning Commission when we haven't heard it first at Council, I do think, gets in the way of process. We respectfully disagree on that. That moratorium would have affected, and in particular the length of the moratorium, my vote on the first reading, had I known that was going to be part of the process. I certainly didn't know that, and I would like to have that discussion with Councilmembers in a public forum for that to take place."

Mayor Riley said, "Without any notice to the public?"

Councilmember Waring said, "The process even allows that. Democracy even allows that. So, the public will have a hearing on this tomorrow. So, the public is going to have a lot of input on this one, and this does not negate or block certainly the public input on this even during our Citizens Participation. I certainly didn't know these gentlemen were going to be here today, but that too is part of the public process, so that is not going to block or inhibit the public's voice on this issue. I would like to have the discussion with our Council, instead of closed chambers, in open chambers, on the matter of the moratorium."

Mayor Riley said, "It requires a 2/3 vote of City Council. Councilmember Lewis."

Councilmember Lewis said, "Mr. Mayor, I think we are back at the stage that we have been before. I think I've mentioned on the City Council floor several times that there are a lot of things sometimes that go on in our neighborhoods, stuff that staff knows about, the public knows about, but as representatives we don't know about or we haven't been involved in. To a certain extent I concur with Keith about the moratorium. We voted to send the 12 o'clock bar closing to the Planning Commission, which will be heard tomorrow night. That's what we sent them. We didn't send them a moratorium, but if a moratorium comes back to the City Council, I hope that the City Council would vote that down because that's something we didn't send. We can't vote on something tonight and put something on the agenda that we haven't seen. So, I just don't think it would be fruitful for us to sit here tonight and say we are going to discuss a moratorium, when we

ourselves don't know what's in it. I expect that if it comes back and it doesn't come back as what we sent to the Planning Commission to discuss on tomorrow night, I hope when it gets to the City Council on the agenda, we'll just vote it down."

Mayor Riley said, "Well, we have a motion to add to the agenda. So, the discussion is to add to the agenda. Do you want to discuss? Yes, sir."

Councilmember White said, "Just a question for Councilmember Waring, is it your intent simply to have an opportunity to discuss this in this forum prior to it being discussed at the Planning Commission tomorrow?"

Councilmember Waring said, "Yes, sir. That is because when the first reading came before us, that was not part of our deliberations. We had quite a bit of deliberation on it over at City Hall. What we sent to Zoning, as I see the Planning Commission, is going to be deferred, and what will be taken up instead will be a moratorium that was not discussed as a 12 Council membership with representatives of the people. We are going to hear back from a non-elected body on a moratorium that we first, have not had a chance to even air and discuss, besides sidebar conversations. That is all we have had, sidebar conversations or maybe telephone calls with one another, but the Planning Commission is going to get to discuss what, quite frankly, the representatives of the people should have had the first chance to discuss. That is why I would like to put it on the agenda. In other words, the issue could be vetted as to the concerns with the moratorium."

Mayor Riley announced the order of speakers as Councilmember Alexander followed by Councilmember Gregorie and Councilmember Williams.

Councilmember Alexander said, "Thank you, Mr. Mayor. I think the discussion is completely appropriate, and I would follow on Councilmember Waring's points. We are an elected body, elected by the citizens of this City to make the decisions. The decision has been made by somebody, in lieu of the debate and discussion on the moratorium, that it will be sent to a different body prior to being debated by the elected officials. Now, there may be some background precedents. It makes me feel uncomfortable. I believe it is the right of this body to debate the moratorium prior to going to an unelected body to make comment on. So, I agree that the debate must occur prior to the item going to an unelected body."

Mayor Riley recognized Councilmember Gregorie.

Councilmember Gregorie said, "My question is a legal, procedural question. This body voted on a specific provision, and somehow, what this body voted on has either been deferred, changed, amended, whatever. Procedurally, however, should that have come back to this body for discussion, if there was going to be a change in what we approved, prior to making a change to something a bit different, and then presenting it to another body, without any discussion in that regard with the body that represents the people."

Frances Cantwell said, "That's a very good question. The Planning staff and the Planning Commission often initiate changes, so it is not unusual for a matter to come to you the first time after it has already been considered by Planning, much like the School Overlay Zone tonight. You did send to the Planning Commission the Late Night Overlay. It will be before the Planning Commission tomorrow, and they will bring forward a recommendation to this Council on that item. So, that is going to follow the procedure that it should follow. The reason, frankly, that it was advertised like it was, was to prevent mass confusion between having the Overlay

followed by this moratorium. They are 1 and 2 on the agenda, so the Overlay will be taken up first, and whatever they recommend, they are going to recommend. They are going to recommend yes, no, or recommend Council does not take action, and then when it gets back to you all, and you do what you want with it. Also, before the Planning Commission tomorrow night is the moratorium. The same thing will occur. After they hear from everyone, they will debate that, and they will determine what recommendation they want. Whatever recommendation, they will give that to you as part of their report from the meeting tomorrow night. So, it is not being deferred and taken away from them. You all send it to them. It will be presented. Staff is going to say we are recommending that you all, not affirmatively act on it, or you recommend to Council to defer it because we think this other thing might be a better idea. You will get a report on both. So, it is not like this thing has been pulled from consideration from the Planning Commission."

Councilmember Gregorie said, "I guess where my concern comes in, is that little gray area between staff making a recommendation regarding something that Council approved, without coming back to this body for discussion on that recommendation."

Ms. Cantwell said, "The staff's recommendation is just that, and they recommend all the time. Sometimes it is listened to, and sometimes it is not. The process is lock-step with what we always do with land use matters, and nothing that is going to be said tomorrow night is going to tell them. You sent something to the Planning Commission, and you all say, 'we voted for this; we voted to give it first reading; we are sending it to you all because we want your recommendation.' So, that is what they are going to give you tomorrow night, and they may not listen to staff. I do not know."

Councilmember Gregorie said, "I understand, but staff made a recommendation to this body."

Ms. Cantwell said, "Right."

Councilmember Gregorie said, "This body approved it accordingly."

Ms. Cantwell said, "Correct."

Councilmember Gregorie said, " So, for me, now, if staff goes before the Planning Board and recommends something different than what they recommended to this body, I do think it is worthy of further discussion at a minimum."

Ms. Cantwell said, "That certainly, discussion is not foreclosed. You will be able to discuss all of that when you get the Planning Commission's report, but until you know exactly what they are going to do, and frankly, I do not know what they are going to do, we do not know really what to talk about."

Councilmember Gregorie asked, "What is staff going to do? What is staff going to recommend."

Ms. Cantwell said, "I do not want to speak for Tim Keane, but what I believe is going to happen is they are going to recommend that the moratorium is a better way to skin the cat than what was proposed under the Overlay. They will have reasons for that because we were instructed to sit down and talk to people, which is what we did. So, whether the Planning Commission says 'no' to the Overlay outright, whether they say, 'no, we like the Overlay; we

want you to do it,' or whether they say, 'Council, we want you to defer it,' but the end decision is left with you all."

Councilmember Gregorie said, "Thank you."

Mayor Riley said, "Let's see. We have before us the question of adding to the agenda, so I think we ought to vote. I would suggest we vote whether we will add it to the agenda, and then this debate --"

Councilmember Alexander said, "Call the question, Mr. Mayor."

Mayor Riley continued, "Is everybody ready to vote? Councilmember Waring has made a motion to add to the agenda something that is not on the agenda, something that was not advertised, and something that the public was not aware would be discussed, so there is no opportunity for them to give input, and the staff that we would want input from is not here either. Those in favor of adding to the agenda, signify by raising your right hand."

The Clerk said, "I am going to call the names. Councilmember Wagner, Councilmember Waring, Councilmember Alexander, Councilmember Moody, Councilmember Riegel, and Councilmember Wilson."

Mayor Riley said, "Those opposed, raise your right hand."

The Clerk said, "Opposing, Councilmember White, Councilmember Williams, Councilmember Lewis, Councilmember Mitchell, Councilmember Gregorie, and Mayor Riley."

Mayor Riley said, "So, the motion fails because a two-thirds vote is required, which would have been eight votes, so we now proceed to the next matter on the agenda."

Councilmember White said, "Mr. Mayor."

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember White.

Councilmember White said, "Can I just make a quick comment?"

Mayor Riley said, "Yes, sir."

Councilmember White said, "It is not meant to be out of order, but I do think that procedurally, and I am in support of your comments, and I do think the public needs to be involved in this process completely from start to finish. If it is the feeling of this Council that we have not thoroughly debated what ultimately is going to be presented as an alternative tomorrow night, might I recommend that there is a potential need for that item to be pulled from Planning until this body gets an opportunity to debate that item, sending that on to Planning, but giving public notice appropriately to allow them to be involved in it. So, I just put that out there that if that is the process desired, that may be the better alternative."

Mayor Riley said, "It has been advertised for the Planning Commission. This is not on the agenda now, I was just responding to your request. What will happen is, the Planning Commission, this is a democracy, and we are not afraid of receiving information,

recommendations from unelected people, we do it all the time. So, this group of unelected people will consider this matter tomorrow with probably a room full of a couple hundred people, and they will make a recommendation to us, and then when it comes to us, it is completely up to us as elected officials to do whatever we want. There is no three-fourths vote or any kind of vote on this. It is up to City Council. We would have gotten input, and input, I respectfully submit, is not a really bad thing to assume in a democracy, and nothing for elected officials to ever be scared about. That's what will be happening."

Councilmember Waring said, "Mr. Mayor, I appreciate everything that you said, and I agree with everything you said, but again, the two-thirds vote, we have had that. It failed. The issue was whether we should try to debate it before the Planning Commission. That failed. I had my opportunity. I had my five minutes of fame."

Mayor Riley said, "You are going to have a lot more fame. I will give you that, and we will have a lot of opportunity to discuss this."

Councilmember Waring said, "I understand that. I appreciate you announcing that when it comes back, it does not take a supermajority of Council to overturn it because that was the feeling among Councilmembers."

Mayor Riley said, "Actually, with my dear friends here, one simple telephone call to the old boy whose cell number everybody has, if not memorized, would have gotten that information out to you."

Councilmember Waring said, "Again, we can debate communication. We can debate that all day."

Mayor Riley said, "Well, I am not hard to reach. I think everybody knows. Yes, sir."

Councilmember Wagner said, "Can I make just a quick comment on this? Mr. Keane sent out an e-mail two days ago that basically said 'this is what I am talking to the Planning Commission about.' If I am not sadly mistaken, the second attachment was an ordinance, or a draft of an ordinance, which means, to me, that we are going to get something else that we do not know about yet if that is the case. It was about two days ago."

Mayor Riley said, "Let me say this. It is not on the agenda, and maybe when the meeting is over, we can all hang out, and the press can be there, but let us move on with this particular agenda."

Councilmember Riegel said, "Mr. Mayor, if I could."

Mayor Riley said, "Yes, sir."

Mayor Riley recognized Councilmember Riegel.

Councilmember Riegel said, "Yes, sir. Thank you, and I will take a little liberty because I was the only nay vote, sir, 12-1. I think what has happened here in the evolution of the process, probably from that meeting on May 27<sup>th</sup> where I think a lot of my colleagues felt like it was a public safety issue, as I recall. Greg Mullen so eloquently lobbied with the crime statistics and things, and, sir, I think as it has evolved, it has probably moved it over to more, as Councilmember Alexander informed me, a property rights issue. So, I think the whole matter

has become a little bit of a confused, convoluted matter. I think Councilmember Waring was trying to pull it back from the Planning Commission and allow us maybe as Council to get it under control, sir, so we can have that dialogue and have that communication. As I told one of the papers the other day, I think we did a great job on the bars. We did a great job at confusing the bejesus out of everybody, myself included, but I think that was not the intent of Councilmember Waring. I think it has evolved into some other things that we did not discuss on the 27th. Thank you, sir."

Mayor Riley said, "Let us move on with Council Committee Reports. Committee on Public Works and Utilities, Mr. Chairman."

Councilmember Waring said, "Oh, I get five more minutes."

Mayor Riley said, "You get another opportunity to say something."

Councilmember Waring said, "I am not going to do like Mohammed does. We had an issue for public information only, a discussion which was a briefing of the freeboard ordinance. It is on our agenda for first reading today. We had a hearty discussion about it, and pretty much by consensus, we agreed to go with, hopefully, first reading when it comes before us for approval. We will seek some information from those in the industry before the second reading. So, I do not have a motion, but it was for information only."

Mayor Riley said, "So, we received input for informational purposes only, the report from the Chairman of the Public Works and Utilities Committee. Next, is the Committee on Traffic and Transportation, Mr. Chairman."

Councilmember Moody, Chair of the Traffic and Transportation Committee, said, "Thank you, Mr. Mayor. We have two items here. There are eight taxis and limos that were approved unanimously. The second item is moving this neighborhood, or residential parking permit boundary in the Charlestowne Neighborhood, and it really is just moving a line down Broad Street from Rutledge to Savage. Right now, that line is kind of like this (referring to a map). So, we are incorporating that. It is a small area. Both of those items were approved by the Committee unanimously, so I would make a motion that we accept it."

Councilmember Riegel said, "Second, Mr. Mayor."

The Clerk said, "Just to clarify, that is giving that ordinance first reading that deals with the neighborhoods."

On a motion of Councilmember Moody, seconded by Councilmember Riegel, City Council voted unanimously to approve the report of the Committee on Traffic and Transportation.

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limousine

- McLeod Suddath Holdings LLC, DBA Scoop Charleston (Limo)
- Mellow Executive Travel, LLC (Limo)
- Ireta Joyce Grant, DBA A Polite One Limo Service (Limo)
- Ronnie Shaw, DBA First Class Limo (Limo)

- Carolina's Executive Limo-Line, Inc. (Limo)
- Boss Transportation, LLC (Taxi)
- LaRome Brown, DBA Rome's Transportation (Taxi)
- Herbert M. Thompson, DBA Be There Transportation (Taxi)

(Amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 19-277(2) to extend the boundaries of Charlestowne Neighborhood Residential Parking Permit boundary to include a portion of Broad Street, within the Charlestowne Neighborhood's designated residential parking permit district.

First reading was given to the following ordinance:

*An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 19-277(2) to extend the boundaries of Charlestowne Neighborhood Residential Parking Permit Boundary to include a portion of Broad Street, within the Charlestowne Neighborhood's designated Residential Parking Permit District.*

Mayor Riley said, "Committee on Ways and Means, Mr. Chairman."

Councilmember White said, "Move for the adoption of the report."

Councilmember Mitchell said, "Second."

The Clerk said, "Just for the public, that would include the resolution and ordinances, and I might remind you that we did defer the annexation, the very last one that deals with the property on Highway 41."

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to approve the report of the Committee on Ways and Means.

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(CARTA FY2015 Budget

(Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (SC Aquarium Project) Series 2014, pursuant to the provisions of Title 4, Chapter 43, of the Code of Laws of South Carolina 1976, As Amended, in the principal amount of not exceeding \$2,700,000. (*Refer to Public Hearings – City Council Agenda Item E-1*)

(Police Department: Approval to renew the School Resource Officer Program Agreement between the City of Charleston Police Department and Berkeley County School District to provide one CPD officer to serve as a School Resource Officer for the Berkeley County School District (Daniel Island Elementary/Middle) for the 2014-2015 school year. Berkeley County School District provides the funding for this position.

(Police Department: Approval to renew the School Resource Officer Program Agreement between the City of Charleston Police Department and the James Island Charter High School to provide one CPD officer to serve as a School Resource Officer for the James Island Charter High School for the 2014-2015 school year. The James Island Charter High School provides the funding for this position.

(Police Department: Approval to renew the School Resource Officer Program Agreement between the City of Charleston Police Department and Charleston County School District to provide nine (9) CPD officers to serve as School Resource Officers for the



- Charleston County School District for the 2014-2015 school year. Charleston County School District provides the funding for six (6) of these positions.
- (Public Service: Approval of Sanders Brothers Construction Company, Inc.'s proposal in the amount of \$600,000 to perform various storm drain cleaning & inspection services per their response to a RFQ for these services. The contract is for two years with the option of two one-year extensions.
- (Public Service: Approval of B&C Utilities, Inc.'s proposed Change Order in the amount of \$55,976 to repair the storm drain and intersections on Wagener Avenue in conformance with standard City procedures and details. The Funding Source for the project is the Drainage Fund.
- (Public Service: Approval of Market Street Drainage Improvement Project Division II Construction Contract Change Order #2 in the amount of \$173,150 with Triad/Midwest Mole Joint Venture which includes additional work on the emergency outfall structure and 54-in pipe and utility work over-run not covered by the contingency money or the Owner's Discretionary Allowance. This will result in an additional 45 calendar days of work, taking the contract completion date to September 25, 2014. The original bid was significantly lower than budget estimates so the project can still be completed with available funds.
- (Public Service: Approval of Market Street Drainage Improvement Project Division II Construction Contract Change Order #3 in the amount of \$250,375.42 with Triad/Midwest Mole Joint Venture which includes additional work on the 54-in stub-out pipe not covered by the contingency money. No additional contract time is required for this Change Order. The original bid was significantly lower than budget estimates so the project can still be completed with available funds.
- (Recreation: Approval of the Memorandum of Understanding between the City of Charleston and the Town of James Island to allow the TOJI to pay the City of Charleston the non-resident (\$25) for TOJI children to participate in the City of Charleston's youth sports leagues.
- (Approval to use Magnolia Plantation for the MOJA Festival Tribute Luncheon on October 4, 2014. There is a \$500 refundable deposit and no rental fee. (Magnolia Plantation, 3550 Ashley River Road)
- (Request authorization for Mayor to execute on behalf of the City the documents necessary for the City to become an accommodation party to a mortgage to be placed on 135 Meeting Street, the site of the Gibbes Museum of Art, by the Carolina Art Association of South Carolina. In no way shall the City be obligated to repay or assume any debt secured by any lien of 135 Meeting Street (TMS# 457-08-04-004) [Ordinance]
- (Consider the following annexations:
- i.) 1714 Savage Road (TMS# 351-07-00-093) 0.10 acre, West Ashley (District 7)
  - ii.) 1 Tovey Road (TMS# 418-10-00-010) 0.15 acre, West Ashley (District 9)
  - iii.) 528 Savannah Highway (Units A-C) and 530 Savannah Highway (Units A-D) (TMS# 421-03-00-165 and 421-03-00-166) 0.48 acre, West Ashley (District 11)
  - iv.) Property on SC Highway 41 aka 546 Riverbend Trail (TMS# 263-00-04-001) 70.37 acres, Cainhoy (District 1) (*DEFERRED*)

First reading was given to the following resolution and ordinances:

*Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (SC Aquarium Project) Series 2014, pursuant to the provisions of Title 4, Chapter 43, of the Code of*

*Laws of South Carolina 1976, As Amended, in the principal amount of not exceeding \$2,700,000.*

*An ordinance authorizing the Mayor to execute on behalf of the City the documents necessary for the City to become an accommodation party to a mortgage to be placed by the Carolina Art Association of Charleston, South Carolina, on the real property located at 135 Meeting Street (the Gibbes Museum) so as to accommodate the association's improvement and renovation of the Gibbes Museum.*

*An ordinance to provide for the annexation of property known as 1714 Savage Road (0.10 acre) (TMS# 351-07-00-093), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 7.*

*An ordinance to provide for the annexation of property known as 1 Tovey Road (0.15 acre) (TMS# 418-10-00-010), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 9.*

*An ordinance to provide for the annexation of property known as 528 Savannah Highway (Units A-C) and 530 Savannah Highway (Units A-D) (0.48 acre) (TMS# 421-03-00-165 and 421-03-00-166), West Ashley, Charleston County, to the City of Charleston shown within the area annexed upon a map attached hereto and make it part of District 11.*

Mayor Riley said, "Bills up for second reading."

The Clerk said, "We have items K-1 through K-10. Item 1, I might say, is the annexation of River Road. Items K-1 through K-10."

Councilmember Alexander said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Riley said, "Let me just go over these. K-1 is on Johns Island, K-2 is Greenleaf Street, K-3 is Camp Road, K-4 is Colony Drive, K-5 is Swan Avenue, K-6 is Wappoo Drive, K-7 is the McGettigan Irrevocable Trust for the Hazel Parker Playground, K-8 is Greenmore Drive, K-9 is Southwick, and K-10 is about GIS. So, K-1 through K-10, right?"

The Clerk said, "Yes. We have a motion for second reading."

On a motion of Councilmember Alexander, ten bills (Items K-1 through K-10) received second reading. They passed second reading on motion of Councilmember Gregorie and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Riegel, the rules were suspended and the bills were immediately ratified as:

**2014-104** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1566 RIVER ROAD (22.0 ACRES) (TMS# 312-00-00-182), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE

AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5.

- 2014-105** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT GREENLEAF STREET ON THE COOPER RIVER (PENINSULA NECK) (APPROX. 34.20 ACRES) (A PORTION OF TMS #464-00-00-016) (COUNCIL DISTRICT 4), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO LIGHT INDUSTRIAL (LI) CLASSIFICATION. **(AS AMENDED)**
- 2014-106** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT CAMP ROAD, BROWN & SMITH LANE & MCINTYRE ROAD (JAMES ISLAND) (11.70 ACRES) (TMS #337-00-00-077, 088, 115 AND 171) (COUNCIL DISTRICT 11), BE 58REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION, DIVERSE RESIDENTIAL (DR-3) CLASSIFICATION, AND CONSERVATION (C) CLASSIFICATION TO DIVERSE RESIDENTIAL - ELDERLY HOUSING (DR-4) CLASSIFICATION.
- 2014-107** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT COLONY DRIVE (AVONDALE - WEST ASHLEY) (0.2 ACRE) (TMS #418-15-00-017) (COUNCIL DISTRICT 3), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 14, 2014 (#2014-007), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. **(AS AMENDED)**
- 2014-108** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 744 SWAN AVENUE (LONG BRANCH – WEST ASHLEY) (0.24 ACRE) (TMS #310-02-00-195) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON JUNE 17, 2014 (#2014-089), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.
- 2014-109** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON WAPPOO DRIVE (RIVERLAND TERRACE – JAMES ISLAND) (0.268 ACRE) (TMS #343-05-00-124) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JUNE 17, 2014 (#2014-090), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.
- 2014-110** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN AGREEMENT TO BUY AND SELL REAL ESTATE BETWEEN THE CITY OF CHARLESTON AND THE MCGETTIGAN IRREVOCABLE GIFT TRUST 2008 FOR THE SALE OF 376 SQUARE FEET FRONTING ON EAST BAY STREET, BEING WITHIN THE CITY OF CHARLESTON'S

HAZEL PARKER PLAYGROUND F/K/A EAST BAY PLAYGROUND AND ADJACENT TO 76 EAST BAY STREET OWNED BY THE MCGETTIGAN IRREVOCABLE GIFT TRUST 2008 ("AREA 1") AND 43 SQUARE FEET BEING WITHIN THE CITY OF CHARLESTON'S HAZEL PARKER PLAYGROUND F/K/A EAST BAY PLAYGROUND AND ADJACENT TO 76 EAST BAY STREET OWNED BY THE MCGETTIGAN IRREVOCABLE GIFT TRUST 2008 ("AREA 3") FOR THE SUM OF \$37,200.00, SAID AREA 1 AND AREA 3 TOTALING 419 SQUARE FEET, BEARING TMS #458-13-02-003 AND BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID AGREEMENT TO BUY AND SELL REAL ESTATE BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

- 2014-111** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1852 GREENMORE DRIVE (0.33 ACRE) TMS# 351-03-00-053), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7.
- 2014-112** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1770 SOUTHWICK DRIVE (0.4 ACRE) (TMS# 279-00-00-022), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5.
- 2014-113** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, CHAPTER 28, ARTICLE 5, SECTIONS 76 THROUGH 78 AND 80 TO REFLECT THAT GIS HAS MOVED FROM PLANNING, PRESERVATION, AND SUSTAINABILITY TO INFORMATION SYSTEMS.

The Clerk said, "We will now go back and get item E-7, which is up for second reading, as well."

Mayor Riley said, "E-7 is 1566 River Road. Is there a motion?"

On a motion of Councilmember Alexander, one bill (Item E-7) received second reading. It passed second reading on motion of Councilmember Mitchell and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended and the bill was immediately ratified as:

- 2014-114** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1566 RIVER ROAD (JOHNS ISLAND) (22.0 ACRES) (TMS #312-00-00-082) (COUNCIL DISTRICT 5), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Mayor Riley said, "Then, is everything else deferred?"

The Clerk said, "We have to go to our first readings."

Councilmember Moody said, "There are two for first reading."

The Clerk said, "We have to go to our first readings."

Mayor Riley said, "The rest of the second readings are deferred."

The Clerk said, "Yes."

Mayor Riley said, "Bills up for first reading."

Mayor Riley said, "So, L-1, we will give that first reading, that which was discussed at the Committee, and then we will receive information prior to giving it second and third reading. That is the freeboard ordinance and then 528 Savannah Highway. The next two are deferred. So, we have just two up for first reading. Is there a motion?"

Councilmember White said, "Mr. Mayor."

Mayor Riley recognized Councilmember White.

Councilmember White said, "Mr. Mayor, I recognize on Item 1 we are going to get a little bit further briefing, but something in regard to that, I just kind of want to point out that in looking at the ordinance, the changes, and the impact that potentially has on the redevelopment of some areas of Charleston, may eliminate the ability for improvements to be made. I specifically think of places like Wagener Terrace and the Byrnes Down area where the improvements made to properties in that area would make them become all of a sudden elevated and/or people would no longer be willing to make improvements to those homes based on values. So, I recognize when this comes back, we will have further conversation, but I just would ask that staff maybe be thinking about that as an issue that needs to be addressed, because those are just two examples of small, kind of ranch-style homes that were built many, many years ago and need to be refurbished. These changes would minimize people's desire to buy and refurbish those homes based on that 50 percent improved value and having to all of a sudden raise them to meet current standards, so that is just something I will throw out for discussion next time."

Mayor Riley recognized Councilmember Gregorie.

Councilmember Gregorie said, "Thanks, Councilmember White. At our Wagener Terrace meeting last night, that very issue came up in terms of the new potential height restrictions and what kind of negative impact it might have on the community, so I ditto his statements."

Councilmember Alexander said, "Mr. Mayor, if I may."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "For the benefit of the Councilmembers, those items were specifically discussed, affordable housing impacts. Also, there were already issues

occurring in the Windermere area where raising houses is taking houses out of the context of the neighborhood, and staff will be looking at all of those variables and working with builders' associations to help us with this."

The Clerk asked, "Who made the motion for L-1 and L-2? Was it somebody down there? I could not hear the motion."

Mayor Riley asked, "Did anybody make a motion to approve the reading of L-1 and L-2?"

On a motion of Councilmember Alexander, seconded by Councilmember Mitchell, City Council voted unanimously to give first reading to the following ordinances:

*An ordinance to amend Article II, Division 3 of Chapter 27 of the Code of the City of Charleston (Flood Hazard Prevention and Control) by amending Sec. 27-103 by adding a new definition, Freeboard, and by amending others, and amending Sec. 27-117 pertaining to construction elevation above base flood elevation and the requirements for high hazard areas and to amend Sec. 27-120 pertaining to construction elevation above base flood elevations.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 528 (A-C) Savannah Highway and 530 (A-D) Savannah Highway (West Ashley) (0.48 acre) (TMS #421-03-00-165 and 166) (Council District 11), be zoned Single-Family Residential and Savannah Highway Overlay Zone (SR-1 and SH) classifications.*

The Clerk said, "Jennifer pointed out that the public hearing is needed for E-7 if there is anybody who wants to speak to that."

Mayor Riley said, "Let's go back to E-7. That was an ordinance relative to 1566 River Road, which now has been annexed into the City. It is being zoned SR-1."

The floor was opened for public comment.

No one came forward to be heard.

Mayor Riley asked, "Is there any other business to come before this meeting of City Council? If not, we stand adjourned."

There being no further business, City Council was adjourned at 6:37 p.m.

Vanessa Turner Maybank  
Clerk of Council